

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 25, 2006**

**BOARD MEMBERS PRESENT:** Bill Olson, Kathy Looney, Dorothy Davis, Lane Adamson, Pat Bradley, John Lounsbury, Eileen Pearce, Ed Ruppel, Ann Schwend and Dave Maddison.

**BOARD MEMBERS ABSENT:** Laurie Schmidt.

**OTHERS PRESENT:** Larry Larsen, Chris Eaton, Tom Collopy, Larry Pine, Judy Herrick, Kevin Germain, Jessi Fanelli, Betty Staley, Craig Staley, Ken Brown, Susan Brown, C.M. Galiger, Robert Hoffert, Chris Murphy, Wally Bowery, Keith Hokanson, Jim Singer, Mike Ducennois, Justin Houser, Beau Blixseth, Bob Sumpter, Planning Director Doris Fischer, Planner 1 Staci Beecher and Planning Board Secretary Marilee Foreman-Tucker.

**President Bill Olson called the meeting to order at 6:05 p.m.**

**MOTION: To approve the minutes of the August 28, 2006 meeting. Moved by:** John Lounsbury, **seconded by:** Ed Ruppel. **All voted aye.**

**President's Comments:** None

**Public Comment:** None

**OLD BUSINESS**

**Madison County Housing Plan and Madison County Growth Policy:**

Doris explained that the topic had gone to a Public Hearing with the County Commissioners on Friday, September 22. Karen Roberty of HRDC attended the hearing and explained the findings of the Task Force including ideas which some towns in Madison County might do to alleviate some of the housing problems. She explained how some grant opportunities were available for affordable housing and answered questions from the audience.

**Madison County Growth Policy**

A report from Doris revealed that the County Commissioners held a hearing on the Growth Policy on September 22, 2006 with approximately 30 people in attendance. A petition was submitted to the Commissioners from some of the landowners in the county. (The petition read that the "undersigned petition the Madison County Commissioners to deny adoption of any document that references potential zoning districts and county initiated zoning, including but not

limited to the Madison County Growth Policy and Madison Valley Growth Management Action Plan). Comments from the audience were heard in which individuals expressed support for the Growth Policy and others voiced their opinions against it. The Commissioners ultimately voted to include the Housing Plan into the Growth Policy and to adopt the Growth Policy with the amendments outlined by Doris.

**Planning Board Discussion regarding the Growth Policy hearing went as follows:**

1. Dave Maddison: Some landowners are very angry and think that the Planning Board is overstepping their bounds.
2. Lane Adamson: Opposition to the mention of zoning in the Growth Policy is a result of misinformation and misunderstanding of the issue. Planning Board may have to address the issue and try to clear up the misunderstandings along with participation from the County Commissioners. There will have to be some more public meetings to try to explain things.
3. Doris reported that the Housing Plan and Growth Policy are now active documents, but that the Planning Office should share in the role of education and clearing up misinformation on the zoning topic.
4. Lane: The process is available to all and if people have questions they should contact the Planning Office. It's their problem if they don't want to participate.
5. Dave: We should try to get people like Frank Colwell, Les Gilman and Bob Butler to participate. The Planning Board needs to be more innovative in getting these people involved.

**REVIEW OF PRELIMINARY PLAT, EATON MINOR SUBDIVISION, ENNIS (Julie A. and Lawrence C. Eaton, landowners)**

Staci opened with a description of the proposed project. It is located 9 miles south of Ennis off Gravelly Range Rd, and includes 3 lots of 2 acres each. Staci distributed recent letters from adjacent landowner Joy Daems and the County Office of Emergency Management.

Questions/Comments from the Planning Board:

1. What is the acreage of the Daems place nearby? *351 acres.*
2. Will there be covenants, especially regarding downward lighting? *Yes to both questions.*
3. What will be done to avoid bad grazing? *We would put in grazing restrictions.*

**MOTION: To recommend preliminary plat approval for the Eaton Minor Subdivision with the 12 conditions stipulated in the Staff Report. Moved by: John Lounsbury. Seconded by: Dave Maddison. All voted aye.**

## **PLANNING BOARD RECOMMENDATION**

Based on the subdivision application, staff report, September 25<sup>th</sup> public meeting and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to the Eaton Minor Subdivision, subject to the conditions listed below.

### ***[Standard conditions]***

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. Utility and ditch easements shall be clearly shown and labeled on the final plat. Ditch access and maintenance easement shall be shown as 15 ft. on each side of the centerline of the ditch.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

### ***[Additional site-specific conditions]***

6. Prior to final plat approval, DEQ must approve Lots 2 and 3 for water, sewer, solid waste, and storm drainage.
7. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the lot being built on.
8. Prior to final plat approval, Lots 2 and 3 must be assigned a *temporary* physical address that complies with the Madison County addressing and Emergency 911 system. (The actual house address sign may be installed as the tract is developed.)
9. Prior to final plat approval, the address for Lot 1 shall be posed in accordance with the Madison county's rural addressing and Emergency 911 system.
10. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district designated to make County

- road improvements deemed necessary by the Madison County Road Supervisor to protect public health and safety.
11. The Gravelly Range Road encroachment permits shall be recorded at or before the time of final plat.
  12. A grazing plan covenant must be provided to address healthy vegetation and grazing practices; **in lieu of this plan** the final plat must specify no grazing.

## **OLD BUSINESS, CONTINUED**

### **Development Impact Fees**

Doris's update: Paul Tischler is still working on the study, but is currently waiting for fire impact fee decision in Gallatin County. Legal questions have arisen there and he wants to see the outcome before continuing with our project.

### **Questions/Comments from the Board:**

1. How many fire impact fee districts would the county have? *The districts would be determined along fire district lines.*

## **PUBLIC HEARING AND REVIEW OF PRELIMINARY PLAT OF UPLAND MEADOWS SUBDIVISION, Laurin, (Upland Enterprises, LLC, landowner)**

Doris described the project as a 156 acre parcel 1-2 miles east of Laurin. The land is to be divided into 6 lots of 21-30 acres each. It is surrounded by rangeland and farmland. The six lots would be served by individual septic and wells. Doris distributed copies of the subdivider's recent letter in response to public safety recommendations from the County Office of Emergency Management.

### **Comments/Questions from the public:**

1. Betty Staley: Pleased with low profile idea for building, but 30 feet high is not really low. She would like to see the cultural studies information regarding the Laurin cemetery and its perimeter. Two sides of Mill Gulch Road are covered with debris from the old dump site. Would like to know which wells were considered adjacent wells. Staleys and Bielers both each have dry wells and producing wells. Hodge-podge development in the area has a history of dry wells in the Sundowner and Sunriser developments.
2. Charlie Galiger: Lives just below the proposed subdivision. Most of the debris from the old dump was pushed across the road into the draw nearby. The proposed subdivision has the right to draw water from the Vigilante Canal for fire protection.
3. Craig Staley: Concerned about the dump issues and interested to know what the DEQ would do in this instance. *Doris answered that the County*

*Sanitarian says because the dump site is so old, any pollutant source is gone.* Staley said that he did not think that Ralph Hamler was qualified to make that decision; that a soil sampling drill would be needed. The *Helena Independent Record* recently cited problems with wells and similar problems. Mill Gulch Road will have an increased flow of traffic and is not in good shape now. There are two obvious places where culverts are needed. Madison County has a responsibility to determine that water is good and has a good flow. Geology of the area is difficult. Some wells in the area have to be deep, as in 300-400 feet deep. Please have them drill more than one test well.

4. Bob Hoffert: Lives at the Sundowner and has a good well. Horse clinics at Staley's do more damage to the road than the subdivision would.

#### **Comments/Questions from the Planning Board:**

1. Where are the shepherd monuments? *On the county land to the east.*
2. You should work on stronger weed control plan.
3. The 30 feet building height should be lessened.
4. There should be some wildlife covenants by incorporating Bob Brannon's suggestions.
5. Is there a limit to splitting Lot 6? *Maybe 3 (10 acre) lots or a little more than that.*
6. There is concern about water and there may be a need for a study by a licensed hydrologist.  
Doris explained that we cannot require a caveat about water to be on the plat.

#### **Chris Murphy responses/comments:**

1. Most of the dump is on the south side of the road.
2. The EPA contacted the County Sanitarian and the EPA is not going to get involved.
3. We did a cultural assessment that was not required.
4. Anyone's guess as to availability of water.
5. Will not drill six wells.
6. Ralph designated that the test wells should be above the canal.
7. We plan to scrape off the ground and try to get the surface debris removed.
8. Dave Maddison suggested that the developers do two test wells rather than put in a cistern or water storage for fire protection.
9. Pat Bradley stated that she is opposed to removal of any conditions that Doris had put on the subdivision.
10. All buildings would be placed within the three-acre envelopes.

**MOTION: To recommend approval of the Upland Meadows Subdivision without Condition #15 which refers to the requirement for a 10,000 gallon**

cistern for fire protection, but instead require a second test well be dug above the canal. Approval is also based on the fact that the final plat should include a notation that driveway standards are outlined in the protective covenants that are recorded with the subdivision. Condition #13 should say “building sites” instead of “homesites”. The motion further states that in Condition #4 the reference to 20’ perimeter easements regarding utility easements and the prohibition on overlapping easements should be stricken. Moved by: John Lounsbury, seconded by: Dave Maddison. Eight voted aye, one nay.

Pat Bradley asked that the record reflect that she is opposed to taking out the requirement for an underground cistern.

### **PLANNING BOARD RECOMMENDATION**

Based on the subdivision application, staff report, September 25<sup>th</sup> public hearing, and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to the Upland Meadows Subdivision, subject to the conditions listed below.

#### ***[Standard conditions]***

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. All road, irrigation canal/ditch/pipeline (including Vigilante Canal, Galiger ditch, and Laurin Cemetery pipeline), and utility easements shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

#### ***[Additional site-specific conditions]***

6. Prior to final plat approval, the Madison County Sanitarian must approve the project for water, sewer, and stormwater drainage. In addition, well and drainfield locations shall be permanently staked.

7. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the lot being developed.
8. Prior to final plat approval, the Madison County Road Supervisor shall issue encroachment permits for the driveways accessing Mill Gulch Road.
9. Prior to final plat approval, each lot must be assigned a *temporary* physical address that complies with the Madison County rural addressing and Emergency 911 system (Individual address signs shall be installed once permanent addresses are assigned).
10. Prior to final plat approval, the developer shall make a fair-share payment to Madison County, for the Mill Gulch Road improvement project and in accordance with the final calculations of the Madison County Road Supervisor.
11. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designed by Madison County to upgrade and/or maintain Mill Gulch Road to the eastern boundary of the Upland Meadows Subdivision, for public safety purposes.
12. The final plat shall shows a shared driveway easement between Lots 1 and 3.
13. The final plat shall include a notation regarding building standards, including: (a) Building sites are limited to three acres; (b) All buildings shall be set back a minimum of 100' from lot lines; (c) All buildings shall avoid the ridgetops, steepest slopes, natural drainageways (at least 100' from both sides), riparian areas, and minimum 100-yard wide open space set-aside for wildlife (as illustrated on either the plat or a building site plan -- subdivider's choice). If the subdivider chooses to submit a building site plan, the County Planning Office shall serve as a repository for the plan. Proposed building changes shall require County review and approval (Note: covenants should be revised to reflect the pertinent building site information).
14. Prior to final plat approval, a grazing plan for the entire property shall be developed in consultation with the Natural Resources Conservation Service and submitted to the County Planning Office (Note: Covenants should be revised to incorporate this grazing plan).
15. The final plat shall identify the Vigilante Canal and Dehorty dumpsite as potential man-made hazards.
16. The final plat shall include a notation that driveway standards are outlined in the protective covenants recorded with this subdivision.

**PUBLIC HEARING AND REVIEW OF PRELIMINARY PLAT AND VARIANCE REQUEST, SLOPESIDE SUBDIVISION AT YELLOWSTONE CLUB, including setback variance (Yellowstone Development, LLC and Yellowstone Mountain Club, LLC, landowners)**

Doris introduced the project which falls under the umbrella of the Overall Development Plan for the Yellowstone Club. It is a clustered development with 12 duplex-style condo units proposed. The developers requested a variance for building setbacks for units 510, 511 and 512. A recent letter from the Office of Emergency Management was distributed along with copies of the 2005 Yellowstone Club Wildlife Monitoring Report. Doris identified two issues:

1. Need to re-examine some of the units on the west end of the site due to geotech report and its concern with slumping land.
2. Need to pursue visual restrictions from driveways further.

**Comments from the Planning Board:**

1. Board is happy with the Wildlife Monitoring Report.

**Comments from Bob Sumpter, Yellowstone Club representative:**

1. We are comfortable with all of staff recommendations for the condominium project and variance request.

**MOTION: To recommend Preliminary Plat approval and variance request with Doris's conditions. Moved by:** Dave Maddison, **seconded by:** John Lounsbury. **All voted aye.**

**PLANNING BOARD RECOMMENDATION – Preliminary Plat**

Based on the subdivision application, staff report, September 25<sup>th</sup> public hearing and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to Slopeside Subdivision, subject to the conditions listed below.

***Standard conditions:***

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" must be filed with the final plat (See Appendix T, Madison County Subdivision Regulations).



3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of records against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. All subdivision road, utility, and emergency access easements shall be shown or cited on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

***Additional site-specific conditions:***

6. Prior to final plat approval, the Montana Department of Environmental Quality must approve the subdivision for water and sewer.
7. In the event that sewer and water improvements are not completed prior to the final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the Letter of Credit shall be 125% of the engineer's (or contractor's) estimated cost for the improvements. The Letter of Credit shall not be released until a copy of the DEQ wastewater discharge permit is provided to the County Planning Office.
8. Prior to final plat approval, the geotechnical reconnaissance report shall be submitted. In addition, prior to final plat approval, a site-specific geotechnical investigation of areas greater than 25% slope and the vicinity of Units #501-504 shall be conducted, and written recommendations provided. The face of the final plat shall add a statement regarding the availability of the geotechnical reconnaissance report and site-specific geotechnical investigation report.
9. A condominium site plan showing building setbacks and parking areas shall accompany the final plat, and the County Planning Office shall serve as a repository for the plan. Proposed building envelope changes shall require County review and approval. The face of the final plat shall reference the building envelope plan. Building practices and building envelope locations (including driveway routes) shall conform to the recommendations of the site-specific geotechnical investigation referenced in Condition #9 above.
10. The final plat shall indicate a 100' building setback along both sides of the South Fork of the West Fork of the Gallatin River.
11. Prior to final plat approval, units must be assigned a temporary address in accordance with the Madison County rural addressing and Emergency 911 system (Individual address signs shall be installed once permanent addresses are assigned).

12. Prior to final plat approval, the subdivider shall submit a copy of the 2005 wildlife monitoring report, as well as a written indication of how the recommendations contained in the 2004 and 2005 reports will be implemented.
13. Prior to final plat approval, the complete cultural resources survey report for this subdivision site shall be submitted.
14. Prior to final plat approval, the developer shall document compliance with the Montana Unit Ownership Act.

### **PLANNING BOARD RECOMMENDATION – Variance**

Based on the subdivision and variance application, staff report, September 25<sup>th</sup> public hearing and subsequent review and discussion, the Planning Board recommends the variance request be approved subject to the two conditions listed below.

#### **Conditions:**

1. Prior to final plat approval, a registered professional engineer will approve and stamp the driveway access plans as being in accordance with AASHTO criteria for sight triangles at intersections, including traffic that is backing onto the main thoroughfare.
2. Prior to final plat approval, the developer will provide a condominium site plan that identifies intersection areas where snow will not be stored or allowed to pile up.

### **SUBDIVISION PRE-APPLICATIONS**

#### **CEDAR LANE, LLC, MAJOR SUBDIVISION, Ennis (Larry Pine, landowner)**

Staci described the proposal as 162 acres to be divided into 56 residential lots of approximately 1 acre apiece. There is a possibility of shared water and sewer, affordable housing, solar power. Larry Pine indicated he hopes to price about 12 townhouses at \$125,000 to \$150,000. He plans to try to limit square footage. There will be two accesses to the highway. He hopes to have walking trails all around the subdivision.

#### **Comments from the Public:**

1. Tom Collopy: Owns property to the east of the proposed Cedar Lane Subdivision. He owns the gravel pit to the east of it and hopes that all prospective buyers are aware of the dust and noise generated by the pit. The canyons drain down to his property and he is concerned about what might be done or built in the canyons. He likes the density and

smaller lots. He asked if the property were going to be fenced.  
Answer: *Don't know yet.*

### **RAINBOW MAJOR SUBDIVISION AT YELLOWSTONE CLUB (Yellowstone Development, LLC, landowner)**

Doris described the property as 156 acres to be divided into 40 lots. The lots range in size from less than 1 acre to 16 acres. The Yellowstone Club plans to put 78 acres into open space. Doris commented that the proposed density is well within the cap for units allowed in Yellowstone Club.

#### **Comments/Questions from the Board:**

1. How is Yellowstone Club in terms of capacity of the water and sewer systems? *System is designed to take care of entire build-out. The Rainbow project will put existing Rainbow Lodge and Cabins onto the community water and sewer systems.*

### **OLD BUSINESS, CONTINUED**

#### **Big Sky Field Trip**

Doris stated that we should meet at the Ennis Town Hall at 8:00 a.m. Those attending will be Eileen, John, Kathy and Bill, Doris, Staci and Marilee. We will be visiting Boyne and their Mountain Club development, Spanish Peaks Resort and Lone Moose Meadows.

#### **Other**

Doris thanked Pat for her excellent summary of the MAP conference. Doris also added that the Reeves Minor Subdivision will be on the agenda for October.

Dave Maddison asked if the Planning Board required that phone and power go into a major subdivision. Doris explained that the County requires the utility easements, but not the installation. She stated that maybe this should be looked at after the Legislature meets in case there are new regulations coming through. Dave mentioned that majors usually put these things in and minor subdivisions don't.

### **NEW BUSINESS**

Ann announced that the Montana Watershed Symposium will be held December 5 through 7 in Great Falls. Some of the speakers will be Ed Marston (former publisher of the High Country News of Paonia, Colorado), Governor Schweitzer and Harry Fritz.

Doris announced that the Madison County Road Map Atlas is now available for sale and that copies have been distributed to most of the emergency services around the county.

Pat asked that we research the way to make a motion and said that the main motion needs to stand by itself. She stated that she voted against Upland Meadows because it was not a main motion, and feels disenfranchised by it.

**Adjournment was at 10:20 p.m.**

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**William J. Olson, President**

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**Marilee Foreman-Tucker, Secretary**